

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09CR23**

UNITED STATES OF AMERICA,

Vs.

KENNETH LEE GARDNER.

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ORDER

THIS MATTER is before the court upon former defendant's *pro se* Motion to Produce Original Documents Before the Courts (#204). Review of the docket reveals that this action was dismissed as to Mr. Gardner on or about July 31, 2009, and that he is no longer a party to this action.

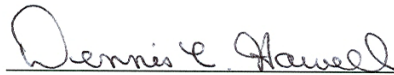
In the substance of the motion, however, former defendant states that he seeks the "original documents" filed in this matter to "prove whether are not the court has alter documents in a fraudulent manner." Docket Entry #204, at ¶ 1(errors in original). Mr. Gardner is advised that the official record is electronically maintained and that he is more than welcomed to retrieve any document from that source or seek a copy of the pleadings from his attorney. He is further advised that the originals of all paper-filed documents in criminal cases that contain original signatures are maintained in original paper form by the Clerk of this court. Defendant is welcome to visit the Clerk of this court and view such documents in the presence of the Clerk or his designee or make a request for *true teste* copies of such documents at his own

expense. Finally, former defendant is advised that the words used in his motion border on contempt and will be stricken as impertinent.

ORDER

IT IS, THEREFORE, ORDERED that defendant's *pro se* Motion to Compel Release of Discovery Material to the Defendant (#140) is **DENIED**.

Signed: September 22, 2009

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Dennis L. Howell
United States Magistrate Judge

